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EXAMINER

CHOKSHI, PINKAL R

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,149	<b>Applicant(s)</b> LUBBERS ET AL.	
	<b>Examiner</b> PINKAL CHOKSHI	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The office action is in response to communication filed 07/15/2008. Claims 1 and 3-9 are pending. Claims 1 and 4-9 are amended. Claim 2 is cancelled.

### ***Response to Arguments***

2. Applicant's arguments filed 07/15/2008 with respect to claims 1 and 7-9 have been considered but are moot in view of the new ground(s) of rejection. Applicant asserts that Grooters does not disclose user intervention with program/channel selection. Examiner disagrees with that characterization of the reference. Grooters discloses (col.8, lines 8-18) that based on prior user defined preferences, system automatically searches for content related to movie. The rejection is maintained. With regard to the dependent claims, the respective rejections are maintained as Applicant has only argued that the secondary reference does not cure the deficiencies of Smith, nevertheless it is the Examiner's contention that Smith and Grooters do not contain any deficiencies. See the new rejection below.

### ***Claim Objections***

3. **Claims 3-5** are objected to because of the following informalities: Claims 3 and 4 depend on cancelled claim 2 and claim 5 depends on claim 4. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 and 3-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,615,248 B1 to Smith ET al (hereafter referenced as Smith) in view of US Patent 6,931,593 B1 to Grooters ET al (hereafter referenced as Grooters).

Regarding **claim 1**, “method for creating a list of contents in a controlling device connected to a domestic network to which are connected a number of devices” reads on a method and a system that presents content selection options from a plurality of content sources in home network environment (abstract) disclosed by Smith and as represented in Fig. 2.

As to “the method comprising: sending over the network, from the controlling device, a command specifying a filtering criterion” Smith discloses (col.2, lines 48-50, 57-61) that the user searches for data from various contents sources through user device.

As to “creating in a device a local list on receipt of the command, the local list itemizing the contents supplied by the device in which the local list is created and involved in the filtering criterion specified by the command” Smith discloses

(col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search query, each content source builds and provides the list of related data.

As to "transferring via the network the local list from the device to the controlling device upon receipt by the device of a transfer request" Smith discloses (col.7, line 67-col.8, line 1) that based on user search query request, content source transmits available program related data on the display device of user terminal as represented in Fig. 4.

As to "assembling in the controlling device local lists received from the network to form the list of contents" Smith discloses (col.2, lines 61-63) that based on user search query, system displays results of data found from multiple content sources to user device.

As to "sending a notification to the controlling device upon creation of the local list by the device" Smith discloses (col.3, lines 37-43) that the user device receives the content information from a plurality of content sources based on the user generated search query.

Smith meets all the limitations of the claim except "creation of the local list by the device." However, Grooters discloses (col.8, lines 8-18) that based on prior user defined preferences, system automatically searches for content related to movie. Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local network, list of channels are created for a specific device and transmitted to receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious for one of ordinary skills in the art at the time of invention to create

program list in a device before sending it to user device as taught by Grooters so a user could gain access to information regarding the various sources of media available on the user's home network (col.1, lines 42-44).

Regarding **claim 3**, "method wherein the controlling device sends transfer requests to each connected device following a specific action on the part of the user" Smith discloses (col.7, line 57-col.8, line 1) that based on the user's search query action from user device, all the contents sources receives the search query request and each one provides the list of related data to user device.

Regarding **claim 4**, "method wherein each transfer request is sent from the controlling device on receipt of a corresponding notification" Smith discloses (col.7, line 57-col.8, line 1) that based on the user's search query action, user device receives the list of program related data from all the contents sources.

Regarding **claim 5**, "method further comprising creating the list of contents in the controlling device by assembling the local lists dynamically as the local lists are received" Smith discloses (col.2, lines 61-63) that based on user search query, system creates and displays results of data found from multiple content sources to user device.

Regarding **claim 6**, “method consisting in sending a single command to all the network without specifying recipient devices, each device receiving the command deciding whether to respond” Smith discloses (col.9, lines 1-8) that the user is able to send search query request by clicking Related Any option which will search across various content sources on the network for relevant data relating to the search query.

Regarding **claim 7**, “device connected to a domestic network, and designed to supply contents” reads on a method and a system that presents content selection options from a plurality of content sources in home network environment (abstract) disclosed by Smith and as represented in Fig. 2.

As to “the device comprises programmed means for creating a local list on receipt of a command specifying a filtering criterion” Smith discloses (col.2, lines 48-50, 57-61) that the user searches for data from various contents sources through user device. As to “the local list itemizing the contents supplied in the device and involved in the filtering criterion specified by the command” Smith discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search query, each content source builds and provides the list of program related data.

As to “for transferring via the network the local list to another device connected to the network upon receipt of a transfer request” Smith discloses (col.7, line 67-col.8, line 1) that based on user search query, content source

provides available program related data on the display device of user terminal as represented in Fig. 4. Smith further discloses (col.2, lines 61-63) that based on user search query, system displays results of data found from multiple content sources to user device.

As to “sending a notification of creation of the local list” Smith discloses (col.3, lines 37-43) that the user device receives the content information from a plurality of content sources based on the user generated search query.

Smith meets all the limitations of the claim except "creation of the local list." However, Grooters discloses (col.8, lines 8-18) that based on prior user defined preferences, system automatically searches for content related to movie. Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local network, list of channels are created for a specific device and transmitted to receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious for one of ordinary skills in the art at the time of invention to create program list in a device before sending it to user device as taught by Grooters so a user could gain access to information regarding the various sources of media available on the user's home network (col.1, lines 42-44).

Regarding **claim 8**, “device connected to a domestic network, and designed to display a list of contents” reads on a method and a system that presents content selection options from a plurality of content sources in home network environment (abstract) disclosed by Smith and as represented in Fig. 2.



As to “the device comprises programmed means for sending over the network a command specifying a filtering criterion” Smith discloses (col.2, lines 48-50, 57-61) that the user searches for data from various contents sources through user device.

As to “transmitting a transfer request to the responding device” Smith discloses (col.7, line 57-col.8, line 1) that based on the user's search query action from user device, all the contents sources receives the search query request and each one provides the list of related data to user device.

As to “for transferring via the network the local list from the responding device connected to the network, the local list created in response to the command” Smith discloses (col.7, line 67-col.8, line 1) that based on user search query, content source provides available program related data on the display device of user terminal as represented in Fig. 4. Smith further discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search query, each content source builds and provides the list of program related data. Smith further discloses (col.2, lines 61-63) that based on user search query, system displays results of data found from multiple content sources to user device.

As to “receiving a notification that a local list is created in a responding device” Smith discloses (col.3, lines 37-43) that the user device receives the content information from a plurality of content sources based on the user generated search query.

Smith meets all the limitations of the claim except "creation of the local list." However, Grooters discloses (col.8, lines 8-18) that based on prior user defined preferences, system automatically searches for content related to movie. Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local network, list of channels are created for a specific device and transmitted to receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious for one of ordinary skills in the art at the time of invention to create program list in a device before sending it to user device as taught by Grooters so a user could gain access to information regarding the various sources of media available on the user's home network (col.1, lines 42-44).

Regarding **claim 9**, "device connected to a domestic network, designed to supply contents and display a list of contents" reads on a method and a system that presents content selection options from a plurality of content sources in home network environment (abstract) disclosed by Smith and as represented in Fig. 2.

As to "the device comprises programmed means for creating the local list on receipt of a command specifying a filtering criterion" Smith discloses (col.2, lines 48-50, 57-61) that the user searches for data from various contents sources through user device. As to "the local list itemizing the contents supplied in the device and involved in the filtering criterion specified by the command" Smith discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user

search query, each content source builds and provides the list of program related data.

As to “receiving a transfer request form a requesting device” Smith discloses (col.7, line 57-col.8, line 1) that based on the user's search query action from user device, all the contents sources receives the search query request from the user device and each one provides the list of related data to user device.

As to “transferring via the network the local list to the requesting device connected to the network” Smith discloses (col.7, line 67-col.8, line 1) that based on user search query, content source provides available program related data on the display device of user terminal as represented in Fig. 4.

As to “programmed means for sending over the network a command specifying a filtering criterion, and transferring via the network another local list from another device connected to the network” Smith discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search query, each content source builds and provides the list of program related data. Smith further discloses (col.2, lines 61-63) that based on user search query, system displays results of data found from multiple content sources to user device.

As to “transmitting a notification that the local list is created” Smith discloses (col.3, lines 37-43) that the user device receives the content information transmitted from a plurality of content sources based on the user generated search query.

Smith meets all the limitations of the claim except "creation of the local list." However, Grooters discloses (col.8, lines 8-18) that based on prior user defined preferences, system automatically searches for content related to movie. Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local network, list of channels are created for a specific device and transmitted to receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious for one of ordinary skills in the art at the time of invention to create program list in a device before sending it to user device as taught by Grooters so a user could gain access to information regarding the various sources of media available on the user's home network (col.1, lines 42-44).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PRC/

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2623